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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,865	08/26/2002	Jimmy Chi-Fong Ho	ASTP0029USA	4611

27765 7590 09/22/2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/064,865

**Applicant(s)**

HO, JIMMY CHI-FONG

**Examiner**

Wesley L Kim

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at least a 17192414 universal terrestrial radio access network 17192414 CarlosCarlosLee 17192414 Using a lowercase title is better." in lines 4-5 of claim 1. This renders the claim vague and indefinite. For the purpose of examination, the examiner assumes this is omitted from the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by Kuo et al.

Regarding claim 1, Kuo et al discloses a method for setting an initial integrity count value for a radio bearer in a wireless communication system (Par.21;7-12), the wireless communication system (Fig.2;30) comprising: an integrity key (Fig.2; 44k and 54k); at least a mobile unit (Par.18;2) comprising a first integrity count value (Fig.2;44c), the first integrity count value consisting of a predetermined bit length (Par.20;4, n-bits); (UTRAN) (Par.18;1-4) comprising a second integrity count value (Fig.2;54c), the second integrity count value consisting of the predetermined bit length (Par.20;7 n-bit), the UTRAN coupled to the mobile unit for transmitting a control command to the mobile unit (Par.19;22-28), the control command used for starting an integrity protection process for the radio bearer (Par.20;1-3), the integrity protection process using the integrity key and the first and second integrity count values for verifying a transmission integrity between the mobile unit and the UTRAN (Par.20); the method comprising: transmitting a START value from the mobile unit to the UTRAN (Par.22;21-23); the UTRAN sending the control command to the mobile unit (Par.19;22-28), and setting the x most significant bits of the second integrity count value equal to the START value (Par.22;21-25;28-35); and setting the x most significant bits of the first integrity count value of the mobile unit equal to the START value last transmitted to the UTRAN in response to receiving the control command (Par.22;25-35).

Regarding claim 2, Kuo et al discloses a ciphering process for the radio bearer so that ciphered data is transmitted by the radio bearer between the mobile unit and the UTRAN (Par.20).

Regarding claim 3, Kuo et al discloses a bit length of the START value is less than the predetermined bit length of the first integrity count value and the predetermined bit length of the second integrity count value (Par.22;15-22).

Regarding claim 4 and 5, Kuo et al discloses that a START value is retrieved from a non-volatile memory positioned on the mobile unit (Par.22;2-7) wherein the non-volatile memory is a SIM card (Par.22;7-10).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wallentin et al.      Pub. No.: US 2003/0003895A1

Jiang et al.          Pub. No.: US 2003/0035546 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L Kim whose telephone number is 703-605-4319. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK



**WILLIAM TROST**  
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